

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRANDON ALVES, <i>et al.</i> ,)
)
Plaintiffs,)
)
-against-) CIVIL ACTION NO.
) 1:20-cv-11933-DPW
DONNA M. McNAMARA, <i>et al.</i> ,)
)
Defendants.)
)
)

**[PROPOSED] ORDER OF DISMISSAL AS TO CHIEF SAVASTA
OF THE PAXTON POLICE DEPARTMENT**

WHEREAS:

- 1) Plaintiffs commenced this action seeking declaratory and injunctive relief against shutdowns and delays in the issuance of firearms identification cards (“FIDs”) under M.G.L. c. 140, § 129B and licenses to carry firearms (“LTCs”) issued under M.G.L. c. 140, § 131; and
- 2) Defendant Chief Savasta is the Chief of the Paxton Police Department and the designated “licensing authority” for the Town of Paxton, who is responsible for issuing FIDs and LTCs; and
- 3) Due to public health and safety concerns associated with the COVID-19 pandemic, the Paxton Police Department (“Department”) was temporarily closed to the public; and
- 4) The Department never stopped processing renewal FID and LTC applications. The Department accepted renewal applications via mail and utilized the fingerprints on file and driver’s license photographs to process the renewal applications; and

5) New FID and LTC applications require fingerprinting. Accordingly, the Department temporarily paused the processing of new FID and LTC applications in order to help ensure public health and safety during the COVID-19 pandemic; and

6) The Department has since resumed processing new FID and LTC applications; and

7) As soon as the Department resumed processing new FID and LTC applications, the Department was able to quickly process all pending applications; and

8) The Department has processed the license application of Plaintiff Andrew Sebring and Mr. Sebring has received his LTC; and

9) Pursuant to the statute, the Paxton Police Department will continue to process LTC application in accordance with the provisions and time periods specified by M.G.L. c. 140, § 131.

NOW THEREFORE:

It is hereby agreed and stipulated that the claims against Defendant Chief Savasta (only) shall be DISMISSED, with the claim alleging a refusal to process Plaintiff Sebring's application dismissed with prejudice, and any and all other claims dismissed without prejudice, and with all rights of appeal waived, and with each party to bear its own costs and attorney's fees.

[signatures on following page]

Respectfully submitted,

THE PLAINTIFFS,

By their attorneys,

/s/ David D. Jensen

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DEFENDANT CHIEF SAVASTA,

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/s/ Allison Lyng O'Connell

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Dated: April 2, 2021

It is SO ORDERED this _____ day of _____, 2021.

DOUGLAS P. WOODLOCK
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 2, 2021.

/s/ Allison Lyng O'Connell

Allison Lyng O'Connell, BBO# 690219

DATED: April 2, 2021